

EXHIBIT 28

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

OWENS CORNING, et al., . Case No. 04-CV-905
Plaintiffs, .
v. . 601 Market Street
 . Philadelphia, PA 19106
CREDIT SUISSE FIRST BOSTON, .
et al., .
Defendants.. January 13, 2005
. PM session

TRANSCRIPT OF HEARING
BEFORE HONORABLE JOHN P. FULLAM
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

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I N D E X

<u>Witnesses</u>	<u>Direct</u>	<u>Cross (MIL)</u>	<u>Redirect</u>	<u>Recross</u>
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FOR THE DEBTOR:

Clyde M. Leff	3	85		
Bruce Tucker	113			

EXHIBITS:

		<u>Marked</u>	<u>Received</u>
PP-15	Complaint in <u>Owens Corning v. Pitts</u>	31	32
PP-17	Affidavit of Gregory Peterson	56	57
PP-21	4/24/97 NSP Agreement w/Maples & Lomax	37	38
PP-166	12/9/98 NSP Agreement w/Klimaco Law Firm	38	38
PP-167	12/10/98 NSP Agreement w/Goldberg Perskie	38	38
PP-168	December 1996 <u>Masonite</u> Settlement	35	36
PP-172	4/13/98 Monthly Asbestos Update	46	47
PP-174	Compilation of Owens Corning's Verdicts	43	
PP-195	4/14/99 NSP Agreement w/Ness Motley	38	38
PP-212	Demonstrative Summary of 90-97 Verdicts	49	50
PP-217	Clyde Leff's C.V.	3	4
PP-178	Pictures	Prev.	134
PP-177	Letter	Prev.	135

Leff - Direct (POD)

40

1 three, I think, were the lion's share of them.

2 Q Mm-hmm. And did Owens Corning evaluate the quality of
3 these B-readings?

4 A We looked -- yes, we looked at the x-rays or some x-rays.

5 Q Mm-hmm. And what was Owens Corning's assessment of the
6 quality of the ILO reports and B-readings by these experts who
7 were working with Pitts and McNeese?

8 A Well, we thought that the x-rays, the B-readings were
9 consistently over-read, as we use the term. Meaning that they
10 were overly generous from a plaintiff's point of view, to
11 identifying an asbestos-related disease or markings consistent
12 with asbestos related disease.

13 Q Mm-hmm. Did Owens Corning consider naming the B-readers
14 as defendants in the Pitts and McNeese lawsuits?

15 A Considered, yes.

16 Q And did you do so?

17 A No.

18 Q Why not? Would you explain why not?

19 A We didn't do it, because B-reading is a very subjective
20 art, if you will, science or art. Even under NIOSH standards,
21 the National Institute of Occupational Safety and Health, even
22 under the certifying board, I think it's 30 percent variance
23 between B-readers is accepted -- is an accepted variance. So,
24 it's a very subjective art. We had no evidence of fraud and we
25 didn't think we had a legal case. I should add that B-readers

Leff - Direct (POD)

43

1 to be quite a reputable --

2 Q Mm-hmm.

3 A -- respected B-reader.

4 Q By lower numbers, you mean lower settlement values?

5 A Lower settlement values.

6 Q Mm-hmm. And would the settlement amounts Owens Corning
7 actually paid in those cases be reflected in its databases?

8 A Yes.

9 Q Mm-hmm. Now, how did the number of cases tried by Owens
10 Corning -- well, first of all, did Owens -- would Owens
11 Corning, in defending asbestos cases, typically retain its own
12 B-readers in non-malignancy cases?

13 A Yes.

14 Q And was there a tendency of Owens Corning and other
15 defendants to select more conservative readers of x-rays, as
16 the defense experts?

17 A Yes, of course.

18 Q Now, how did the number of cases tried by Owens Corning
19 compare to those tried by other asbestos defendants?

20 A Owens Corning, by far, went to trial more than other
21 asbestos defendants. Certainly, of the main asbestos
22 defendants, Owens Corning probably went to trial more than
23 everybody else combined, by the time I came onto the job.

24 Q Mm-hmm. I'd like to ask you to turn your attention, Mr.
25 Leff, to exhibit 174, which appears to be a compilation of